IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.56 OF 2005.

Indrapal Bhatia : Appellant.
(Org.Plaintiff)

versus

The Municipal Corporation of
Greater Bombay. : Respondent.

Ms.Anita Dwivedi for the appellant.
Mr.J.J.Xavier for the respondents-BMC

CORAM : D.G.DESHPANDE,J.

DATED : 24th August 2005.

ORAL ORDER

1. In order to properly appreciate the controversy I had appointed a commissioner to visit the suit site and prepare a plan. It is clear from the sketch plan that the suit premises are in the gallery. The documents, relied upon

by the appellant, do not show that it is an authorised structure. In any case, the gallery cannot be used for any business purpose like this i.e. one to which the plaintiff has put the same. Therefore, there is no merit in this appeal It is dismissed.

2. However, looking to the fact that the plaintiff is doing his business since 1981, according to the plaintiff's case, liberty is given to the plaintiff to apply to the Municipal Corporation of Greater Bombay for regularisation. He should apply to the Executive Engineer, Building & Proposal, City, within three weeks from today. The said authority shall decide said application within six weeks thereafter. The authority will not be influenced by the findings and decision of this Court. If the application is not made within the aforesaid period, there will be no stay. Otherwise, there will be stay for nine weeks. Ultimate result will be binding upon the appellant. The application should be in a form prescribed by the Municipal Corporation of Greater Bombay in this regard. Fees of the commissioner to be paid to the commissioner.

[D.G.DESHPANDE,J]